

**State of Kansas
Department of Health and Environment**

Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment (KDHE), Division of Health, Bureau of Disease Control and Prevention, will conduct a public hearing on Monday, July 30, 2007 at 9:00 am in the Crumbine Room (5th floor) of the Curtis State Office Building, 1000 SW Jackson, Topeka to consider the adoption of the following proposed sanitation regulations for cosmetology and tanning facilities:

A summary of the proposed regulations and the economic impact follows:

Tanning Facilities: KAR 28-24a-1: KAR 28-24a-2, KAR 28-24a-3 (new)

KAR 69-12-6 and 69-12-13 (revoked)

During the 2002 legislative session, the Kansas legislature amended K.S.A. 65-1,148 to transfer Board of Cosmetology sanitation rules and regulations for tanning facilities and body art facilities to the secretary of the Department of Health and Environment. It established that all existing Board regulations regarding sanitation standards, "shall be deemed to be rules and regulations of the secretary of health and environment under K.S.A. 65-1,148, and amendments thereto, until revised, amended, revoked or nullified by the secretary of health and environment, or otherwise, pursuant to law." This hearing will address the regulations and changes that have arisen as a result of the amendment to K.S.A. 2006 Supp. 65-1,148.

KAR 28-24a-1, KAR 28-24a-2, and KAR 28-24a-3 are proposed new regulations to update sanitary regulations for tanning facilities in accordance with state of the art procedures. KAR 69-12-6 and 69-12-13 are being revoked, which were the cosmetology sanitary regulations for tanning facilities and are now being replaced with KDHE new regulations.

Cosmetology: KAR 28-24-1 thru 28-24-15 (amended)

KAR 28-24-16 (revoked)

KAR 28-24-1 addresses changes in definitions to ensure compatibility with statute changes, federal guidance documents on universal precautions for preventing the transmission of infectious and contagious diseases and changes in terminology to accurately reflect current language that used.

KAR 28-24-2 through KAR 28-24-7 improves or utilizes more specific or inclusive language to address specific cosmetology sanitation issues related to universal precautions, towels robes and linens, headrests, shampoo bowls, treatment tables and sinks, bottles and containers, and other products.

KAR 28-24-8 utilizes more specific language to address sanitation issues associated with instruments and supplies and moves instruments and supplies as the primary subject covered from KAR 28-24-9.

KAR 28-24-9 is changed to address and define the subject of pedicure equipment and sanitation issues associated with this practice.

KAR 28-24-10 and KAR 28-24-11 are changed to make more specific the processes to ensure sanitary conditions that should be used in association with nonelectrical and electrical instruments and equipment.

KAR 28-24-12 eliminates the use of multi-use equipment and requires the use of single-use of non-electrical equipment.

KAR 28-24-13 improves by making more specific, language for physical facilities. The regulation also specifies that new establishment licenses after a point in time be required to have a separate outside entrance to the location where services are provided to customers. This relates primarily to establishments that might be located in structures also containing living quarters for individuals. The regulation also addresses

issues surrounding mobile establishments to ensure that these are physically capable of providing sanitary conditions for consumers.

KAR 28-24-14 addresses prohibitions by more specifically defining these while addressing issues raised by licensees and consumers relative to animals, items that can be consumed as food and potentially invasive procedures.

KAR 28-24-15 specifies the posting of regulations to ensure visibility for potential review by customers and licensees.

KAR 28-24-16 revokes this regulation as no longer necessary.

Economic Impact

The cost to KDHE will be minimal and will be comprised mostly of staff time to review and revise regulations as indicated and to provide technical assistance to the Kansas Board of Cosmetology regarding the implementation of the regulations as they relate to maintaining the sanitary conditions of affected establishments and licensed individuals.

The costs to consumers would not be direct but could be indirect in that licensees and establishment owners may incur minimal costs to comply with new changes. This impact may be offset in that some of the changes could involve the use of less expensive sanitation processes now including bleach.

The implementation of the revised regulations will incur costs by the Board of Cosmetology to communicate the changes to affected licensees.

The time period between publication of this notice serves as the required public comment period of at least 60 days for the purpose of receiving written public comments on the proposed amended regulations. At any time during the public comment period any interested parties may submit written comments to Karl Milhon, Kansas Department of Health and Environment, Bureau of Disease Control and Prevention, 1000 SW Jackson, Ste 210, Topeka, KS 66612-1367. Written comments can also be sent E-mail to kmilhon@kdhe.state.ks.us. At the hearing all interested parties intending to provide oral

comments will be given a reasonable opportunity to present their view of the proposed new and regulations during the hearing. In order to give each individual or entity an opportunity to present their view it may be necessary for the hearing officer to request that each presenter limit any of their presentation to an appropriate time frame.

Complete copies of the proposed regulations, corresponding economic impact statement, may be obtained on the Bureau of Disease Control and Prevention website: <http://www.kdheks.gov/bedp> or by contacting the Bureau of Disease Control and Prevention, 1000 SW Jackson, Suite 210, Topeka, KS 66612-1274, 785-296-6036.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Karl Milhon by phone at 785-296-6036 or by fax at 785-296-4197.

Roderick L. Bremby
Secretary of Health and Environment